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Report of the Committee on Non-Governmental Organizations on its resumed 2000 session

(New York, 21 and 27 July 2000)

Addendum

I. Summary

1. The Committee on Non-Governmental Organizations, in accordance with the provisions of Economic and Social Council resolution 1996/31, considered complaints against the International Council of the Associations for Peace in the Continents (ASOPAZCO) and the Transnational Radical Party, and recommended to the Council the adoption of draft decision II contained in the report of the Committee on the first and second parts of its 2000 session (see E/2000/88 (Part I)), which calls for the suspension of the consultative status of the two organizations.

2. At the same time, in accordance with the procedure laid down in paragraph 56 of Economic and Social Council resolution 1996/31, the Committee informed ASOPAZCO and the Transnational Radical Party of the recommendation and provided them with relevant extracts of its report explaining the reasons for the recommendation.

3. In accordance with paragraph 56 of Economic and Social Council resolution 1996/31, the Committee on Non-Governmental Organizations met on 21 July 2000 to give appropriate consideration as expeditiously as possible to responses from ASOPAZCO and the Transnational Radical Party to the Committee's decision to suspend their consultative status for three years (for an account of the Committee's discussion, see E/2000/88, chap. V, sect. B).

II. Consideration of responses from the International Council of the Associations for Peace in the Continents in accordance with Economic and Social Council resolution 1996/31

4. At its 764th meeting, the Committee resumed its consideration of agenda item 7 (Consideration of special reports) with regard to ASOPAZCO. The Vice-Chairman, Munawar Saeed Bhatti (Pakistan), served as Acting Chairman. The Committee had before it a submission from ASOPAZCO responding to the various points brought forward by the Committee and recorded in its report (E/2000/88 (Part II), paras. 71-93).

5. With regard to its accreditation of two individuals identified by the delegation of Cuba as being linked to

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politically motivated activities against its Government, ASOPAZCO maintained that one of the two had not participated actively in any of the proceedings of the Commission on Human Rights and had in fact remained in Geneva for only four days. ASOPAZCO stated that Sylvia Irondo was a member of a legally established humanitarian organization. She had been involved in an earlier incident in which two of three aircraft engaged in a search and rescue mission had been intercepted and shot down by Cuban authorities.

6. ASOPAZCO noted that the attack on the aircraft had been condemned by several international bodies including the Commission on Human Rights, the Security Council and the International Civil Aviation Organization, as well as the European Union and the Commission on Human Rights of the Organization of American States. Numerous Governments also condemned the action, including those of France and Spain.

7. ASOPAZCO acknowledged that Victoria Ruíz, the second individual named in the complaint, had been accredited by the organization to speak on the human rights situation in Cuba. The organization characterized Ms. Ruíz as a human rights activist who belonged to Unidad Femina Cubana, a women's group in Havana. The organization claimed that human rights groups were illegal in Cuba and subject to harassment and persecution, but stressed in its response that Ms. Ruíz had never been blamed for any action against the Cuban Government and that no charges had ever been made against her. ASOPAZCO cited the fact that the Chairman of the Commission on Human Rights had allowed her testimony to proceed, despite the objection of the delegation of Cuba, as evidence that Ms. Ruíz's presentation fell within the established norms of participation. A copy of the statement made by Ms. Ruíz on 8 March 1998 accompanied the ASOPAZCO submission to the Committee on Non-Governmental Organizations.

8. ASOPAZCO denied having distributed any publications at the meeting in question and, in particular, disclaimed any involvement in the compilation, editing, publication or distribution of the publications mentioned by the delegation of Cuba in its letter of complaint. The organization claimed, moreover, that it had not even seen the posters that formed part of the Government of Cuba's complaint until it received the documentation pertaining to the allegations against it. In that regard, ASOPAZCO affirmed that it was a non-political organization with headquarters in Spain and operated under Spanish law as it pertained to non-governmental organizations. The organization stressed in its response that it was not financed by the Cuban American National Foundation, nor did it collaborate with the Foundation in any of its activities, including joint implementation of special projects.

9. ASOPAZCO acknowledged that it had requested that the review of the complaint against it be deferred to enable representatives of the organization to be present during the Committee's deliberations. At the same time, ASOPAZCO disassociated itself from the activities attributed to Mr. Bandier, President of United Towns for North/South Cooperation.

10. With regard to its own representation at the June session of the Committee, ASOPAZCO explained that, acting upon information received from the Permanent Mission of Spain, three representatives of the organization had been present in New York between 12 and 15 June, the dates during which they were told the Committee would consider this complaint. A personal emergency required the presence of the President of ASOPAZCO in Madrid. Therefore, on the precise dates when the Committee actually considered special reports, it was not possible for the representative to return to New York on 48 hours notice.

11. Concerning the charge that representatives of ASOPAZCO demonstrated hostility towards the delegation of Cuba at the fifty-sixth session of the Commission on Human Rights, ASOPAZCO referred to its previous submission to the Committee, which contained a countercharge that at the same meeting, the delegation of Cuba had threatened to take away the organization's consultative status. The exchange had taken place in the presence of a number of witnesses and could be corroborated by a letter from a Belgian reporter who was present at the time. The organization expressed surprise that the delegation of Cuba should wish to pursue the matter in light of ASOPAZCO's official complaint to the United Nations High Commissioner for Human Rights and the Chairman of the Commission on Human Rights.

12. In conclusion, ASOPAZCO thanked the Chairman and those members of the Committee that had supported its cause, noting that non-governmental organizations play a crucial role and require the

necessary freedom and support from member Governments to fulfil their mission.

13. At the opening of the meeting, several delegations raised questions concerning the exact purpose of the special meeting. Clarifications were also sought on whether it was to review responses from the two organizations or to reconsider the earlier decision taken by the Committee at its June 2000 session on the suspension of their consultative status. The Chairman explained that the meeting had been convened pursuant to a verbal decision taken by the Economic and Social Council to allow the Committee to consider replies submitted by ASOPAZCO and the Transnational Radical Party pursuant to paragraph 56 of Council resolution 1996/31, with regard to the Committee's recommendation to the Council on the suspension of consultative status of the two organizations.

14. In accordance with paragraph 56 of Council resolution 1996/31, in cases where the Committee decides to recommend that the general or special consultative status of a non-governmental organization or its listing on the Roster be suspended or withdrawn, the non-governmental organization concerned should be given written reasons for that decision and should have an opportunity to present its response for appropriate consideration by the Committee as expeditiously as possible. Commenting on the procedure adopted in this case, some delegations expressed the view that sending portions of the report concerning any case of this nature did not constitute valid or adequate provision of "written reasons". These needed to be clearly set out in a separate letter to the organization concerned. Other delegations maintained that it was an appropriate procedure, which had always been followed by the Committee in the past. Special reference was made to the case of Christian Solidarity International, in which a similar procedure was followed in 1999. The Chairman clarified that the procedure was based on the established practice of the Committee and in the past had been applied in the cases of ILGA, INARI and CSI since 1994. In 1999 this was also validated by the President of the Economic and Social Council in a letter dated 21 October 1999 addressed to Christian Solidarity International. The letter stated that the Committee's report contained and constituted the written reasons for its recommendation to the Council. During the lengthy debate that followed, it was suggested that the issue needed to be discussed further under the working methods of the Committee.

15. Several delegations expressed the opinion that the response of ASOPAZCO contained no new grounds that could justify reconsideration of the Committee's decision to suspend its consultative status. Some delegations, however, felt that the reply submitted by ASOPAZCO contained substantive new information, such as the condemnation by the Security Council, the Commission on Human Rights and other international bodies of the shooting down of the aircraft by Cuba and deserved reconsideration.

16. With regard to the inability of ASOPAZCO to be present in the Committee during consideration of the complaint in June, one delegation stated that although the representatives of the organization had been present in New York, the Committee had not been able to hear the representative, owing to scheduling and documentation problems. It was suggested that the Committee, while organizing its schedule, should try to accommodate representatives of non-governmental organizations present in New York to enable them to attend its meetings.

17. Despite the lengthy discussion, the Committee was unable to reach a consensus that the response received from ASOPAZCO provided enough grounds for the Committee to reconsider its earlier decision, as some delegations were of the opinion that the Committee's original decision on suspension should be maintained, while others felt that, in view of the substantive new information, the case of ASOPAZCO was worthy of reconsideration.

18. One delegation proposed a motion for reconsideration of the Committee's earlier decision under rule 57 of rules of procedure of the Economic and Social Council. Two delegations were accordingly given the opportunity to speak against the motion. In a general comment before the vote, one delegation stated that in the light of new elements brought before the Committee by ASOPAZCO, it had no other choice but to ask the Committee to reconsider its decision.

19. A roll-call vote was taken on the motion to reconsider the proposal made by the Committee to the Economic and Social Council to suspend the consultative status of ASOPAZCO. The motion was defeated by a vote of 9 against, 4 in favour with 2 abstentions. The vote was as follows:

In favour:

Chile, France, Germany, United States of America.

Against:

Algeria, Bolivia, China, Colombia, Cuba, Lebanon, Russian Federation, Sudan, Tunisia.

Abstain:

India, Turkey.

20. After the vote, the representative of one delegation expressed its doubts about the Committee's decision in the light of the substantive and procedural issues raised by the new evidence. He expressed the opinion that suspension of the consultative status of the organization was not justified.

III. Consideration of the consultative status of the Transnational Radical Party in accordance with Economic and Social Council resolution 1996/31

21. Pursuant to a decision taken by the Economic and Social Council at its 39th meeting, on 25 July 2000, and in accordance with paragraph 56 of Council resolution 1996/31, the Committee on Non-Governmental Organizations at its 765th meeting on 27 July 2000, resumed consideration of agenda item 7 with regard to the Transnational Radical Party. The Vice-Chairman, Munawar Saeed Bhatti (Pakistan), served as Chairman. The Committee had before it a reply from the Transnational Radical Party.

22. In an opening statement the representative of Algeria informed the Committee that after consultations and informal negotiations with members of the Committee, her delegation wished to table a proposal. She pointed out that the Transnational Radical Party had clearly stated that its response was a preliminary and not a complete one. In keeping with the Committee's ongoing efforts to comply not only with the letter but with the spirit of Council resolution 1996/31, the members had accepted that the Committee might accede to the organization's request to be given the opportunity to submit a comprehensive response on the Committee's recommendation on its suspension. In the light of these considerations the Algerian delegation proposed that the Committee draft a decision or a letter to the organization to request that it complete its submission, whereupon the Committee would meet again to consider the response and to conclude the review procedure. The Committee was informed that if the Committee decided on this approach, it would meet again before the resumed session of the Council to consider the response of the Transnational Radical Party. As the second part of this arrangement, the draft decision already submitted regarding temporary suspension of the organization's consultative status would be withdrawn.

23. The proposal by the delegation of Algeria was supported by all members of the Committee. One representative expressed the opinion that the working methods of the Committee should be decided by the Committee itself and not by the non-governmental organizations. In the case of the Transnational Radical Party, he noted that the Committee had strictly followed established procedure when it provided written reasons for the decision in the form of its report on its 2000 session. The decision to go beyond this should be understood to be solely that of the Committee. However, since the organization in question had distinctly stated that it was submitting only a preliminary response, his delegation agreed that the Transnational Radical Party should be given the opportunity to provide a full response. This opinion was supported by another delegation, which added that such a decision would increase the validity of the Committee's procedural actions.

24. One delegation observed that it should be made clear that the proposed decision would in no way compromise the technical correctness and completeness of the Committee's procedures in reviewing responses submitted by non-governmental organizations. The Chairman said in clarification that the rules of procedure had been scrupulously followed and that the decision to invite the Transnational Radical Party to submit a comprehensive response demonstrated the Committee's desire for the fullest compliance with the provisions of Council resolution 1996/31.

25. The Committee adopted the following decision by consensus:

> In accordance with paragraph 56 of Economic and Social Council resolution 1996/31, the Committee on Non-Governmental Organizations:
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> (a) Bearing in mind part two of its report (E/2000/88 (Part II)), invites the

Transnational Radical Party to submit a comprehensive response by 16 September 2000 to the Committee's recommendation on the suspension of its consultative status;

(b) Decides to recommend to the Economic and Social Council that it authorize the Committee on Non-Governmental Organizations to hold a 2000 resumed session during the week of 25 September in order to consider the response of the Transnational Radical Party.

26. A member of an observer delegation stated that, according to his reading of the resolution, the Committee's decision did not respect resolution 1996/31. However it did represent an incremental step, enabling the Committee to achieve a higher level of compliance with paragraph 56 of that resolution.

27. Several representatives expressed surprise and others disappointment at the observer delegation's comments and reaffirmed their complete confidence in the Committee's full compliance with procedures as set out in paragraph 56 of resolution 1996/31. They rejected any suggestion that the Committee had not fulfilled its mandate, stressing that the present decision represented an additional effort in the interpretation of that resolution. The Chairman stated, as clarification, that the whole procedure reflected the fact that the Committee was more than willing to go an extra mile to comply with the provisions of resolution 1996/31.

28. A number of delegations expressed appreciation to the delegation of Algeria for its leadership role in achieving a decision that had been adopted by the Committee in a much appreciated spirit of cooperation.